

Practitioner's Docket No. HES 2003-UP-011430U1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_  
Inventor(s)

for \_\_\_\_\_  
Title of invention

**OR**

In re application of: Craig W. Roddy

Application No.: 0 10/769,490

Group Art Unit: unknown

Filed: January 30, 2004

Examiner: unknown

For: Methods of Cementing In Subterranean Formations Using Crack Resistance  
Cement Compositions

Assistant Commissioner for Patents

Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

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**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Sheila Gibbs

Signature

Date: 2-24-04

Sheila Gibbs

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 1 of 3)

NOTE: 37 C.F.R. 1.98(b):

(1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.

(2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.

(3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.

(4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.

(5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

**WARNING:** No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

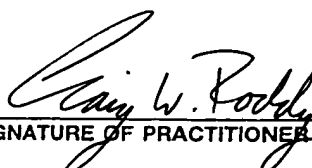
**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

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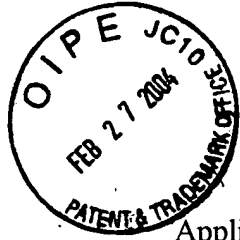
Customer No.:

  
SIGNATURE OF PRACTITIONER

Craig W. Roddy  
(type or print name of practitioner)

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P.O. Address

Duncan, OK 73536-0440



PATENT  
HES 2003-IP-011430U1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Craig W. Roddy and Bradley L. Todd	)	
		)	Art Unit: Unknown
		)	
Serial No.:	10/769,490	)	
		)	
Filed:	January 30, 2004	)	Examiner: Unknown
		)	
For:	METHODS OF CEMENTING IN SUBTERRANEAN FORMATIONS USING CRACK RESISTANT CEMENT COMPOSITIONS	)	
		)	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

**U. S. PATENTS**

U.S. Patent No. 4,741,401 issued May 3, 1988 to Wilhelm E. Walles et al.

U.S. Patent No. 4,770,796 issued September 13, 1988 to Irwin C. Jacobs.

U.S. Patent No. 6,508,305 B1 issued January 21, 2003 to Harold D. Brannon et al.

U.S. Patent No. 6,645,288 B1 issued November 11, 2003 to Bernard Dargaud et al.

U.S. Patent No. 3,958,638 issued May 25, 1976 to Chester C. Johnston.

U.S. Patent No. 4,202,795 issued May 13, 1980 to John W. Burnham et al.

U.S. Patent No. 4,506,734 issued March 26, 1985 to Kenneth G. Nolte.

U.S. Patent No. 6,599,863 B1 issued July 29, 2003 to Bentley J. Palmer et al.

U.S. Patent No. 6,689,208 B1 issued February 10, 2004 to Lance E. Brothers.

### **U.S. PATENT APPLICATION PUBLICATION**

U.S. Patent Application Publication No. US 2002/0004464 A1 published January 10, 2002 to Erik B. Nelson et al.

U.S. Patent Application Publication No. US 2002/0193257 A1 published December 19, 2002 to Jesse C. Lee et al.

U.S. Patent Application Publication No. US 2003/0134751 A1 published July 17, 2003 to Jesse Lee.

U.S. Patent Application Publication No. US 2003/0234103 A1 published December 25, 2003 to Jesse Lee et al.

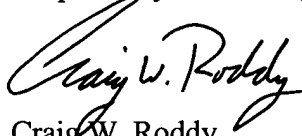
### **FOREIGN PATENTS**

PCT Patent Application Number WO 2004/001188 A1 published December 31, 2003.

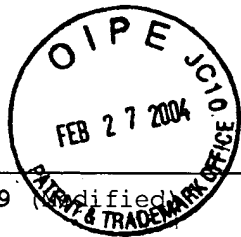
PCT Patent Application Number WO 00/49272 published August 24, 2000.

Copies of the non-patented references and Form PTO-1449 are submitted herewith.

Respectfully submitted,



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580-251-3012



FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	ATTY. DOCKET NO. 2003-IP-011430U1	SERIAL NO. 10/769,490
	APPLICANT Craig W. Roddy et al.	
	FILING DATE January 30, 2004	GROUP Unknown

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	4,741,401	05/03/88	Walles et al.	166	300	
	AB	4,770,796	09/13/88	Jacobs	252	8.553	
	AC	6,508,305 B1	01/21/03	Brannon et al.	166	293	
	AD	6,645,288 B1	11/11/03	Dargaud et al.	106	696	
	AE	US 2002/0004464 A1	01/10/02	Nelson et al.	507	200	
	AF	US 2002/0193257 A1	12/19/02	Lee et al.	507	200	
	AG	US 2003/0134751 A1	07/17/03	Lee et al.	507	200	
	AH	US 2003/0234103 A1	12/25/03	Lee et al.	166	293	
	AI	3,958,638	05/25/76	Johnston	166	294	
	AJ	4,202,795	05/13/80	Burnham et al.	252	332	
	AK	4,506,734	03/26/85	Nolte	166	308	

## FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subclass	Translation	
							Yes	No
	AL	WO 2004/001188 A1	12/31/03	PCT	E21B	43/26	X	
	AM	WO 00/49272	08/24/00	PCT	E21B	43/26	X	
	AN							
	AO							
	AP							

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	
	AS	
	AT	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM PTO-1449 (Modified)</b>  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	ATTY. DOCKET NO. 2003-IP-011430U1	SERIAL NO. 10/769,490
	APPLICANT Craig W. Roddy et al.	
	FILING DATE January 30, 2004	GROUP Unknown

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	6,599,863 B1	07/29/03	Palmer et al.	507	219	
	AB	6,689,208 B1	02/10/04	Brothers	206	794	
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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